

**PATENT**/Docket No. 00661.US1  
Serial No. 10/687,986  
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1654  
Examiner : Satyanarayan R. Gudibande  
Applicant(s) : N.J. Britten et al.  
Serial Number : 10/687,986  
Filed : 10/17/2003  
For : Dispersible Pharmaceutical Compositions

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION/RESTRICTIONS; ELECTION OF SPECIES**

Sir:

This communication is in reply to the Election/Restrictions; election of species mailed on February 2, 2007.

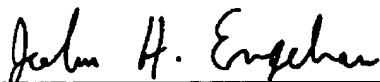
With regard to claim 5-15 Applicant elects ceftiofur hydrochloride as the antibacterial substance. With regard to claims 21-25, Applicant elects pegicol 5-oleate (for example labrafil M-1944 CS) as the amphipathic oil. With regard to claims 26, 27 and 27 Applicant elects cottonseed oil as the non-aqueous carrier substance.

Applicant respectfully traverses all three election/restriction requirements. A restriction requirement is proper when a patent application claims more than one patentably distinct invention. Ceftiofur hydrochloride is the subject of an issued US Patent. Accordingly, ceftiofur hydrochloride is patentably distinct from some other antibacterial substances. However, Applicant is not claiming antibacterial substances. Applicant is claiming a pharmaceutical composition, which contains an antibacterial substance. Pharmaceutical compositions of the present invention containing different antibiotic substances are not patentably distinct inventions, but are rather different embodiments of the same invention. Similarly changing the amphipathic oil or the oil carrier does not result in patentably distinct inventions, but rather embodiments of the same invention.

**PATENT**/Docket No. 00661.US1  
Serial No. 10/687,986  
Page 2

Applicant respectfully submits that the pharmaceutical compositions of the present invention derive their properties from the composition of the claimed vehicle and not the antibiotic, the particular amphipathic oil, or the non-aqueous carrier.

Respectfully submitted,



John H. Engelmann, Attorney  
Registration No. 28075  
Pfizer Inc., Patent Department  
7000 Portage Road  
KZO-300-104  
Kalamazoo, Michigan 49001

Date: AUGUST 17, 2006

Telephone No. (269) 833-2532 or (269) 833-9500  
Telefax No. (269) 833-8897 or (269) 833-2316